



July 6, 2016

Ms Alina Satkoski
Madison Kipp Corporation
201 Waubesa Street
Madison WI 53704

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Madison Kipp Rain Garden/Bike Path, Madison, Wisconsin
DNR BRRTS Activity Number: 02-13-562649

Dear Ms. Satkoski:

The Department of Natural Resources (DNR) considers the Madison Kipp Rain Garden/Bike Path site closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. Certain continuing obligations also apply to affected property owners or rights-of-way holders. These are identified within each continuing obligation.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The South Central Region Closure Committee reviewed the request for closure on June 2, 2016. The Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases.

The rain garden/bike path is adjacent to the north side of the Kipp property and in the past received contaminated stormwater runoff. The primary contaminants of concern were polychlorinated biphenyls (PCBs). PCB contaminated soil was identified and excavated in several mobilizations to the site. The conditions of closure and continuing obligations required were based on the property being used for recreational and stormwater management purposes. Site specific residual contaminant screening levels (RCLs) were used to guide soil clean-up.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- A pavement or soil cover must be maintained over certain contaminated soil and the DNR must be notified and approve any changes to this barrier.
- Site specific soil criteria were applied for closure at the bike path and rain garden properties, and maintaining the current Traditional Employment District zoning for both the City of Madison and MKC parcels is required. Before the land use may be changed, additional environmental work may be required.
- If changes in property use or land use that lead to a different contaminant exposure setting are planned, an assessment must be made of whether this closure will be protective of the proposed use.

- Structural impediments to a complete investigation and remediation exist on site. Should these impediments be removed in the future additional investigation and maybe remediation will be required.

The DNR fact sheet “Continuing Obligations for Environmental Protection,” RR-819, helps to explain a property owner’s responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Geographic Information System (GIS) Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/clean.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the GIS Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program’s regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the South Central Regional DNR office, at 3911 Fish Hatchery Road, Fitchburg, Wisconsin. This letter and information that was submitted with your closure request application, including any maintenance plans and maps, can be found as a Portable Document Format (PDF) file in BRRTS on the Web.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the pavement or soil cap is required, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure; or
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plan are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats., to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains on and off site as shown on the **attached map**: “Madison Kipp Corporation..., Location Map, Figure D.2, Arcadis”. If this contaminated soil is excavated in the future, the property owner or right-of-way holder at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. This closure condition also applies to the City of Madison, owner of rain garden/bike path property.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

The pavement or soil cover that exists in the location shown on the **attached map**: “Madison Kipp Corporation..., Location Map, Figure D.2, Arcadis”, shall be maintained in compliance with **the attached maintenance plan** in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A request may be made to modify or replace a cover or barrier. Before removing or replacing the cover, you must notify the DNR at least 45 days before taking an action. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation. A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if the use of the property were to change such that a residential exposure would apply. This may include, but is not limited to single or multiple family residences, a school, day care, senior center, hospital or similar settings. In addition, a cover or barrier for multi-family residential housing use may not be appropriate for use at a single family residence.

The **attached maintenance plan and inspection log (DNR form 4400-305)** are to be kept up-to-date and on site. Inspections shall be conducted annually in accordance with the attached maintenance plan. Submit the inspection log to the DNR only on request.

This closure condition also applies to the City of Madison, owner of rain garden/bike path property.

Structural Impediments (s. 292.12 (2) (b), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

The paved bike path and utility lines as shown in the attached maintenance plan made complete investigation and/or remediation of the soil contamination impracticable. If the structural impediment is to be removed, Madison Kipp or the property owner, City of Madison, shall notify the DNR at least 45 days before removal, and conduct an investigation of the degree and extent of the contamination below the structural impediment. If contamination is found at that time, the contamination shall be properly remediated in accordance with applicable statutes and rules. This closure condition also applies to the City of Madison, owner of rain garden/bike path property.

Site Specific Soil Criteria (s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

Soil contamination remains at various locations, as shown on the **attached map**: “Madison Kipp Corporation..., Location Map, Figure D.2, Arcadis”. Samples contained PCBs that met, and in some cases exceeded, the site-specific soil criteria developed for this site.

This property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless prior written approval has been obtained from the DNR. The property owner shall notify the DNR at least 45 days before changing the use. An investigation and remedial action to meet applicable soil cleanup criteria may

be required at that time. This closure condition also applies to the City of Madison, owner of rain garden/bike path property.

In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Michael Schmoller at 608-275-3303.

Sincerely,



Linda Hanefeld
South Central Team Supervisor
Remediation & Redevelopment Program

Attachments: Maintenance Plan (containing referenced map)

cc: Mayor Paul Soglin, City of Madison